



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 27, 1996

Ms. Janet M. Dill  
Assistant City Attorney  
Municipal Building  
Dallas, Texas 75201

OR96-1784

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101026.

The Dallas Police Department (the "department") received a request for "records regarding any SAFE team and/or other Dallas Police Department activity at 4411 Lemon Ave. Suite 201, Escapade Club." You state that some of the requested information has been released. You claim, however, that the remaining information is excepted from required public disclosure by section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

You claim that the identities of those persons who have made complaints to the department's "S.A.F.E. Team" concerning the address in question are protected from disclosure by the "informer's privilege." Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Texas courts have recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 (1988) at 3, 208 (1978) at 1-2. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 (1981) at 2 (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 (1990) at 2, 515 (1988) at 4-5. It appears that the complainants in this case did report possible criminal violations and violations of city ordinances and the fire code. We conclude, therefore, that the department may withhold the information which would identify the complainants. We have marked the documents to indicate the information that may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, flowing style.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 101026

Enclosures: Submitted documents

cc: Ms. Nancy Weinberger  
P.O. Box 190410  
Dallas, Texas 75219  
(w/o enclosures)